IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 6114 of 2005(C)

AGAINST THE ORDER IN EP.428/2003 IN
OS.401/1999 of PRL.SUB COURT,THRISSUR

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PETITIONERS:

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1. M/S.GIRIJA SIDHARTHAN,
   W/O.SIDHARTHAN, PULITHARA HOUSE, KUZHIKULLY,
   AYYAPPANKAVU, THRISSUR.

2. P.R.SIDHARTHAN, S/O.RAMADEVAN,
   PULITHARA HOUSE, KUZHIKUTTY, AYYAPPANKAVU,
   THRISUR.

BY ADV. SRI.P.K.ASHOKAN

RESPONDENT:

THE CATHOLIC SYRIAN BANK LTD.,
KANDASSANKADAVU BRANCH,
REP. BY ITS BRANCH MANAGER, MOHAN JOHN.

BY ADV. SRI.PETER THARAKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC NO.6114/05)

PETITIONERS' EXTS.:

EXT.P1: TRUE COPY OF E.P.NO.428 OF 2003 DATED 31.1.2005.

EXT.P2: TRUE COPY OF THE OBJECTION DATED 3.4.2004.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.6114 of 2005

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Dated: 31st May, 2007

JUDGMENT

Having regard to the submissions of Mr.P.K.Asokan, learned counsel for the petitioners, I am of the view that indulgence can be shown to the petitioners in the form of instalment facility. Accordingly, the Writ Petition will stand disposed of issuing the following directions:

The order of stay presently passed will continue on condition that on the 1st of every month commencing from 1.7.2007 the petitioners will pay to the respondent-Bank either directly or through its Standing Counsel in the court below a sum of Rs.40,000/- without fail. Once the petitioners remit 15 instalments as directed above without defaults, the petitioners will file an application before the court below for determining the correct balance amount. The court below will take a decision on that application and will proceed with further execution only after a decision is taken. It is made clear that if the petitioners cause any two defaults in the matter of remitting the instalments as permitted above, they will forfeit the benefits of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**